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## 5 | Counsel for Defendant FITZGERALD

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

\*E-FILED - 2/7/07\*

UNITED STATES OF AMERICA, ) No. CR 06-0074 RMW  
Plaintiff, )  
v. ) **STIPULATION TO CONTINUE  
HEARING AND EXCLUDE TIME;  
[] ORDER**  
JAMES FITZGERALD, )  
Defendant. )

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17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Monday, January 29, 2007, should be continued to Monday, February 26, 2007. At this time, the  
20 parties are engaged in settlement negotiations, and the government has provided additional  
21 discovery that defense counsel requires time to review with the defendant.

22 The parties further agree that time should be excluded under the Speedy Trial Act from  
23 January 29, 2007, to February 26, 2007, because the defense and the government require time for  
24 investigation and preparation, and the ends of justice outweigh the defendant's and the public's  
25 need for a speedy trial.

STIPULATION TO CONTINUE  
HEARING DATE; [] ORDER  
No. CR 06-0074 RMW

1 Dated: 1/25/07

\_\_\_\_\_  
/s/  
LARA S. VENNARD  
Assistant Federal Public Defender

3 Dated: 1/25/07

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/s/  
SUSAN KNIGHT  
Assistant United States Attorney

5 **ORDER**

6 The parties have jointly requested a continuance of the hearing set for January 29, 2007,  
7 on grounds that investigation by the defense and the government is ongoing.

8 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
9 presently set for January 29, 2007, is continued to February 26, 2007, at 9:00 a.m.

10 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
11 from January 29, 2007, to February 26, 2007, shall be excluded from the period of time within  
12 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

14 Dated: 2/7/07

*Ronald M. Whyte*  
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RONALD M. WHYTE  
United States District Judge